

1 Andrew H. Wilson, SBN #063209  
WILSON, RYAN & CAMPILONGO  
2 115 Sansome Street, 4th Flr.  
San Francisco, California 94104  
3 (415) 391-3900  
Telefax: (415) 954-0938  
4

Laurie J. Bartilson, SBN #139220  
5 MOXON & BARTILSON  
6255 Sunset Boulevard, Suite 2000  
6 Hollywood, CA 90028  
(213) 960-1936  
7 Telefax: (213) 953-3351

8 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY  
9 INTERNATIONAL

RECEIVED  
JAN 23 1995  
FIDELITY & BOND LAW OFFICES

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF MARIN  
12

13 CHURCH OF SCIENTOLOGY )  
INTERNATIONAL, a California not- )  
14 for-profit religious corporation, )

15 ) [CONSOLIDATED]  
16 )  
17 ) [PROPOSED] ORDER RE CHURCH  
Plaintiff, )  
OF SCIENTOLOGY )  
INTERNATIONAL'S EX PARTE )  
18 vs. ) APPLICATION FOR AN ORDER  
19 ) STRIKING ARMSTRONG'S LATE-  
20 ) FILED SUPPLEMENTAL  
21 ) DECLARATION IN OPPOSITION  
22 ) TO PLAINTIFF'S MOTION FOR  
23 ) SUMMARY ADJUDICATION OF THE  
24 ) FOURTH, SIXTH AND ELEVENTH  
25 ) CAUSES OF ACTION OF SECOND  
26 ) AMENDED COMPLAINT.  
27 )  
28 )

GERALD ARMSTRONG; DOES 1 through )  
25, inclusive, )

Defendants. )  
\_\_\_\_\_ )  
26 )  
27 )  
28 )

CASE NO. 157 680

[CONSOLIDATED]  
[PROPOSED] ORDER RE CHURCH  
OF SCIENTOLOGY  
INTERNATIONAL'S EX PARTE  
APPLICATION FOR AN ORDER  
STRIKING ARMSTRONG'S LATE-  
FILED SUPPLEMENTAL  
DECLARATION IN OPPOSITION  
TO PLAINTIFF'S MOTION FOR  
SUMMARY ADJUDICATION OF THE  
FOURTH, SIXTH AND ELEVENTH  
CAUSES OF ACTION OF SECOND  
AMENDED COMPLAINT.

DATE: January 23, 1995  
TIME: 9:30 a.m.  
DEPT: 1

TRIAL DATE: May 18, 1995

1 This matter came on for hearing on January 23, 1995, on the  
2 ex parte application of plaintiff Church of Scientology  
3 International for an order striking Armstrong's Supplemental  
4 Declaration In Opposition to Scientology's Motion For Summary  
5 Adjudication of the Fourth, Sixth and Eleventh Causes of Action  
6 of Second Amended Complaint together with all of the exhibits  
7 attached thereto.

8 Having read and considered the moving papers and the  
9 evidence and arguments presented therein and at the hearing, and  
10 good cause appearing:

11 IT IS ORDERED:

12 Defendant Armstrong's Supplemental Declaration in Opposition  
13 to Scientology's Motion for Summary Adjudication of the Fourth,  
14 Sixth and Eleventh Causes of Action of Second Amended Complaint  
15 together with all of the exhibits attached thereto are stricken  
16 without leave to amend. Armstrong and his attorney, Ford Greene,  
17 are jointly sanctioned in the amount of plaintiff's reasonable  
18 costs occasioned by the filing of the Declaration pursuant to  
19 C.C.P. § 437c(i). Plaintiff' counsel are to provide declarations  
20 of the fees and costs so incurred, and a proposed order to be  
21 entered by the Court.

22 DATED: January \_\_\_\_, 1995

23 \_\_\_\_\_  
24 THE HONORABLE GARY W. THOMAS  
25 SUPERIOR COURT JUDGE  
26  
27  
28

PROOF OF SERVICE

STATE OF CALIFORNIA        )  
                                  )  ss.  
COUNTY OF LOS ANGELES    )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On January 23, 1995, I served the foregoing document described as [PROPOSED] ORDER RE CHURCH OF SCIENTOLOGY INTERNATIONAL'S EX PARTE APPLICATION FOR AN ORDER STRIKING ARMSTRONG'S LATE-FILED SUPPLEMENTAL DECLARATION IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY ADJUDICATION OF THE FOURTH, SIXTH AND ELEVENTH CAUSES OF ACTION OF SECOND AMENDED COMPLAINT on interested parties in this action,

[ ] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [ ] the original [X] true copies thereof in sealed envelopes addressed as follows:

FORD GREENE  
HUB Law Offices  
711 Sir Francis Drake Blvd.  
San Anselmo, CA 94960-1949

[x] BY FAX AND MAIL

[ ] \*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[ ] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more

than one day after date of deposit for mailing an affidavit.

Executed on January 23, 1995 at Los Angeles, California.

[ ] \*\*(BY PERSONAL SERVICE) I delivered such envelopes by hand to the offices of the addressees.

Executed on \_\_\_\_\_ at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[ ] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Signature

\* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

\*\* (For personal service signature must be that of messenger)

PROOF OF SERVICE

STATE OF CALIFORNIA            )  
  )    ss.  
COUNTY OF LOS ANGELES        )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On January 23, 1995, I served the foregoing document described as [PROPOSED] ORDER RE CHURCH OF SCIENTOLOGY INTERNATIONAL'S EX PARTE APPLICATION FOR AN ORDER STRIKING ARMSTRONG'S LATE-FILED SUPPLEMENTAL DECLARATION IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY ADJUDICATION OF THE FOURTH, SIXTH AND ELEVENTH CAUSES OF ACTION OF SECOND AMENDED COMPLAINT on interested parties in this action,

[ ] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [ ] the original [X] true copies thereof in sealed envelopes addressed as follows:

MICHAEL WALTON  
700 Larkspur Landing Circle  
Suite 120  
Larkspur, CA 94939

[x] BY MAIL

[ ] \*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[x] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more

than one day after date of deposit for mailing an affidavit.

Executed on January 23, 1995 at Los Angeles, California.

[ ] \*\*(BY PERSONAL SERVICE) I delivered such envelopes by hand to the offices of the addressees.

Executed on \_\_\_\_\_ at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[ ] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Signature

\* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

\*\* (For personal service signature must be that of messenger)